



MUNICIPAL OFFICE COMPLEX
8401 W. MONROE STREET
PEORIA, AZ 85345

**PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, MARCH 1, 2012
6:30 P.M.
COUNCIL CHAMBER
8401 W. MONROE ST.**

**PLANNING & ZONING
COMMISSION:**

Bill Louis, Chair
Nancy Golden, Vice Chair
Leigh Strickman, Secretary
Greg Loper
Gene Sweeney
Veda McFarland
Charles J. Marr

Department Liaison
Chris Jacques

***Accommodations for
Individuals with Disabilities.***
*Alternative format materials, sign
language interpretation, assistive
listening devices or interpretation
in languages other than English
are available upon 72 hours
advance notice through the Office
of the City Clerk, 8401 West
Monroe Street, Room 150, Peoria,
Arizona 85345 (623)773-7340,
TDD (623)773-7221, or FAX (623)
773-7304. To the extent possible,
additional reasonable
accommodations will be made
available within the time
constraints of the request.*

CONVENE:

ROLL CALL:

OPENING STATEMENT:

CALL TO SUBMIT SPEAKER REQUEST FORMS:

CONSENT AGENDA

CONSENT AGENDA: All items listed with "C" are considered to be routine or have been previously reviewed by the Planning and Zoning Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

CONSENT – New Business:

- 1C DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absences of Commissioners Veda McFarland and Leigh Strickman from the January 5, 2012 Meeting.
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held January 5, 2012.
- 3C CU12-0001:** Robert Brown Architects is requesting a Conditional Use Permit for a proposed McDonald's restaurant to allow a drive-through within 200 feet of a residential zoning district. The property is located west of the southwest corner of 107th Avenue and Olive Avenue.

- 4C **CU12-0002:** Phil and Karen Kary are requesting a Conditional Use Permit for Crossroads Books & Coffee to allow an outdoor seating area. The property is located within the Fry's Shopping Center at 9069 West Olive Avenue.

REGULAR AGENDA

NEW BUSINESS:

- 5R **PUBLIC HEARING:** RE: Text Amendment.

PUBLIC HEARING – TA11-0006: The City of Peoria is proposing an amendment to Article 14-34 "Signs" of the Zoning Ordinance. This amendment is intended to update regulations regarding Political Signs in order to comply with changes in state law, as well as update references to specific staff positions.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from the City of Peoria to amend Article 14-34 "Signs" of the Zoning Ordinance. This amendment is intended to update regulations regarding Political Signs in order to comply with changes in state law, as well as update references to specific staff positions.

CALL TO THE PUBLIC: (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff:

Reports from the Planning and Zoning Commission:

ADJOURNMENT:

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
JANUARY 5, 2012
DRAFT**

A **REGULAR Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe St., Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Chair Bill Louis, Vice Chair Nancy Golden, Commissioners Gene Sweeney, Charles Marr, and Greg Loper.

Members Absent: Commissioners Leigh Strickman, and Veda McFarland.

Others Present: Shawn Kreuzwiesner - Engineering Planning Manager, Steve Burg – Assistant City Attorney, Adam Pruet – Senior Planner, Jeff Sargent – Senior Planner, and Bev Parcels – Planning Assistant.

Opening Statement: Read by Shawn Kreuzwiesner – Engineering Planning Manager.

Call for speaker request forms.

Audience: Three.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed with a “C” are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

- 1C **DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absences of Commissioners Gene Sweeney, Charles Marr, and Leigh Strickman from the December 15, 2011 Meeting.
- 2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held December 15, 2011.
- 3C **CU11-0023:** Sun West Burgers, LLC requested a Conditional Use Permit to allow for the addition of an outdoor dining patio in conjunction with a future Smashburger restaurant. The property is located west of the northwest corner of Lake Pleasant Parkway & Happy Valley Parkway in the Lake Pleasant Town Center.
- 4C **CU11-0024:** Smart Design Architecture, PLLC requested a Conditional Use Permit to allow for the addition of an outdoor dining patio in conjunction with a future Paradise Bakery Restaurant. The property is located west of the southwest corner of 75th Avenue & Bell Road.
- 5C **CU11-0025:** RRO Gold Co. requested a Conditional Use Permit to allow for a gold and silver buying business located west of the southwest corner of 91st Avenue and

Thunderbird Road, and is more specifically described as 9133 W. Thunderbird Road, Suite 102.

COMMISSION ACTION: Commissioner Loper moved to approve the Consent Agenda items. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously.

REGULAR AGENDA

NEW BUSINESS:

6R **ELECTION OF OFFICERS:** Discussion and possible action to elect officers for 2012 including Chairman, Vice-Chairman, and Secretary.

COMMISSION ACTION: Commissioner Loper nominated Bill Louis as Chairman; Commissioner Marr seconded the motion and upon vote carried unanimously. Commissioner Loper nominated Nancy Golden as Vice Chairman; Commissioner Marr seconded the motion and upon vote carried unanimously. Commissioner Loper nominated Leigh Strickman as Secretary; Commissioner Marr seconded the motion and upon vote carried unanimously.

CALL TO THE PUBLIC: (Non-agenda Items): None

REPORT FROM STAFF: None

REPORTS FROM THE PLANNING AND ZONING COMMISSION: None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 6:37 p.m.

William Louis, Chair

Date Signed



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 12-0001

DATE: March 1, 2012

AGENDA ITEM: 3C

Applicant: Robert Brown Architects on behalf of McDonald's USA, LLC

Request: Obtain a Conditional Use Permit to allow a drive-through within 200 ft of a residential zoning district for a proposed McDonald's restaurant

Proposed Use: McDonald's restaurant with drive-through

Location: The property is located west of the Southwest corner of 107th Avenue and Olive Avenue

Site Area: Approximately 1.1 acres.

Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this proposal.

Recommendation: **Approve**, with conditions.

AREA CONTEXT

Table 1: Existing Land Use, General Plan Land Use Designation, Current Zoning. (Exhibit C)

| | <u>LAND USE</u> | <u>GENERAL PLAN</u> | <u>ZONING</u> |
|-------------------------|--|---|---|
| Subject Property | Vacant | Residential / Medium Density (5-8 du/ac) | Intermediate Commercial (C-2) |
| North | Olive Ave., then attached single-family residences | Outside of Planning Boundary (Maricopa County-Sun City) | Maricopa County R-3 with zoning overlay |
| South | Vacant | Residential / Medium Density (5-8 du/ac) | Intermediate Commercial (C-2) |
| East | Vacant, site plan approved for Express Carwash | Residential / Medium Density (5-8 du/ac) | Intermediate Commercial (C-2) |
| West | Trillium Villas Apartments | Residential / Medium Density (5-8 du/ac) | Multi-Family Residential (RM-1) |

PROJECT DESCRIPTION

Request and Development Details

1. The subject site is an approximately 47,817 square foot (1.1 acres) lot located west of the southwest corner of 107th Avenue and Olive Avenue. The lot is

relatively narrow at 150 feet-wide, due to previous subdivision of the parent parcel. Across Olive Avenue to the north, there is a Sun City age-restricted neighborhood, which consists of duplex-style attached single-family residences. A multi-family apartment complex, Trillium Villas, is located directly west of the property. Vacant, undeveloped lots are located adjacent to the east and south property boundaries of the site. The lot to the east has recently received site plan and building permit approval for development of Express Carwash.

2. The applicant is proposing to develop a 4,269 square foot McDonald's restaurant with a double drive-through on the site in question. The site plan and design review package for this project is currently under review as case SP12-0001. The proposed site plan is included as Exhibit E to this report.
3. A Variance application (V12-0001) was approved by the Board of Adjustment on February 14, 2012 allowing a reduction in the required landscape buffer from 30 feet to 20 feet along the western property boundary of the site. The landscape buffer is required for properties in non-residential zoning districts adjacent to multi-family residential zoning districts. However, with the reduction, there will still be a 30 foot buffer in effect, when considering the existing 10 foot landscape buffer on the

DISCUSSION AND ANALYSIS

Applicability

4. According to Article 14-9 of the Zoning Ordinance, in the C-2 Zoning District the use of a restaurant with drive-through requires a Conditional Use Permit when located within 200 feet of a residential zoning district. The adjacent property to the west is zoned RM-1, a Multi-family Residential Zoning District. Therefore, the proposed use requires a Conditional Use Permit.
5. Section 14-39-12.E outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate or minimize any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

Analysis

6. The applicant has developed the layout for the proposed project on this site to provide as much separation as possible between the restaurant's drive-through lane and the multi-family residential buildings to the west. Due to the narrow width of the parcel, extra consideration was required in the arrangement of this use on the property. The drive-through lane and windows are located on the eastern side of the restaurant building, allowing the building to act as a buffer for

any sound or light emanating from the drive-through.

7. The drive-through speakers will have to comply with City Code standards regarding noise (Section 13-92). In accordance with City Code Section 13-92-(b) Miscellaneous Provisions and Offenses, noise levels will not exceed 65 decibels 50' feet away from the west property line between the hours of 6:00 a.m. to 10:00 p.m. and 55 decibels between hours of 10:00 p.m. to 6:00 a.m. The drive-through speaker boxes shall be programmed accordingly. All exterior lighting must comply with both City Code (Chapter 20) and Zoning Ordinance (Article 14-3) regulations.
8. In staff's judgment, the character of the proposed use is appropriate and compatible with surrounding land uses and the context of the area in question. The site fronts onto Olive Avenue, a 5-lane major arterial roadway. It is also part of a larger commercially-zoned property located at a signalized intersection (107th Avenue and Olive Avenue). These characteristics support the site's suitability for the proposed restaurant with drive-through.
9. If any issues arise regarding the operation of the business, Section 14-39-12.1 provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified, or suspended should any of the following occur:
 - a. The permit was obtained by fraud or misrepresentation;
 - b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
 - c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
 - d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, or is exercised in a manner that is detrimental to the public health, welfare, or safety.

Noticing and Neighborhood Comment

10. The application was properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOA's within 1 mile. Additionally, the site was posted with a sign at least 15 days prior to the Public Hearing by the applicant. As of the printing of this report, no support or opposition to this case has been received from the public.

Proposition 207

11. In 2006, the voters of Arizona approved Proposition 207, which among other

things requires municipalities to compensate property owners for actions that have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement that waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

RECOMMENDATION

12. Based on the following findings:
- The request is consistent with the applicable codes, standards, and guidelines;
 - The request is compatible with the surrounding context and uses; and
 - The use will be oriented and will operate in a manner that protects the surrounding residential uses from detrimental impacts and is consistent with a neighborhood-serving commercial establishment.

It is recommended that the Planning and Zoning Commission take the following action:

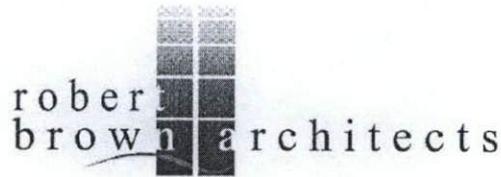
Approve the applicant's request for a Conditional Use Permit under Case CU12-0001, subject to the following conditions:

1. The use shall substantially conform to the project narrative (Exhibit A) as contained in the staff report to the Planning & Zoning Commission dated March 1, 2012.
2. The use shall substantially conform to the plans approved with the associated site plan case SP12-0001, and shall conform to all stipulations of case SP12-0001 upon its approval.

ATTACHMENTS:

| | |
|-----------|-----------------------------------|
| Exhibit A | Project Narrative |
| Exhibit B | Vicinity/Location Map |
| Exhibit C | Zoning Map |
| Exhibit D | Aerial Map with Site Plan Overlay |
| Exhibit E | Proposed Site Plan |

Prepared by: Melissa Sigmund, Planner



549 south 48th street

suite 108

tempe, arizona

85281

p 480.377.2222

f 480.377.2230

**New Site Development
for
McDonald's**

West of 107th Avenue South of Olive Avenue
Peoria, Arizona 85345

**Project Narrative
August 23, 2011**

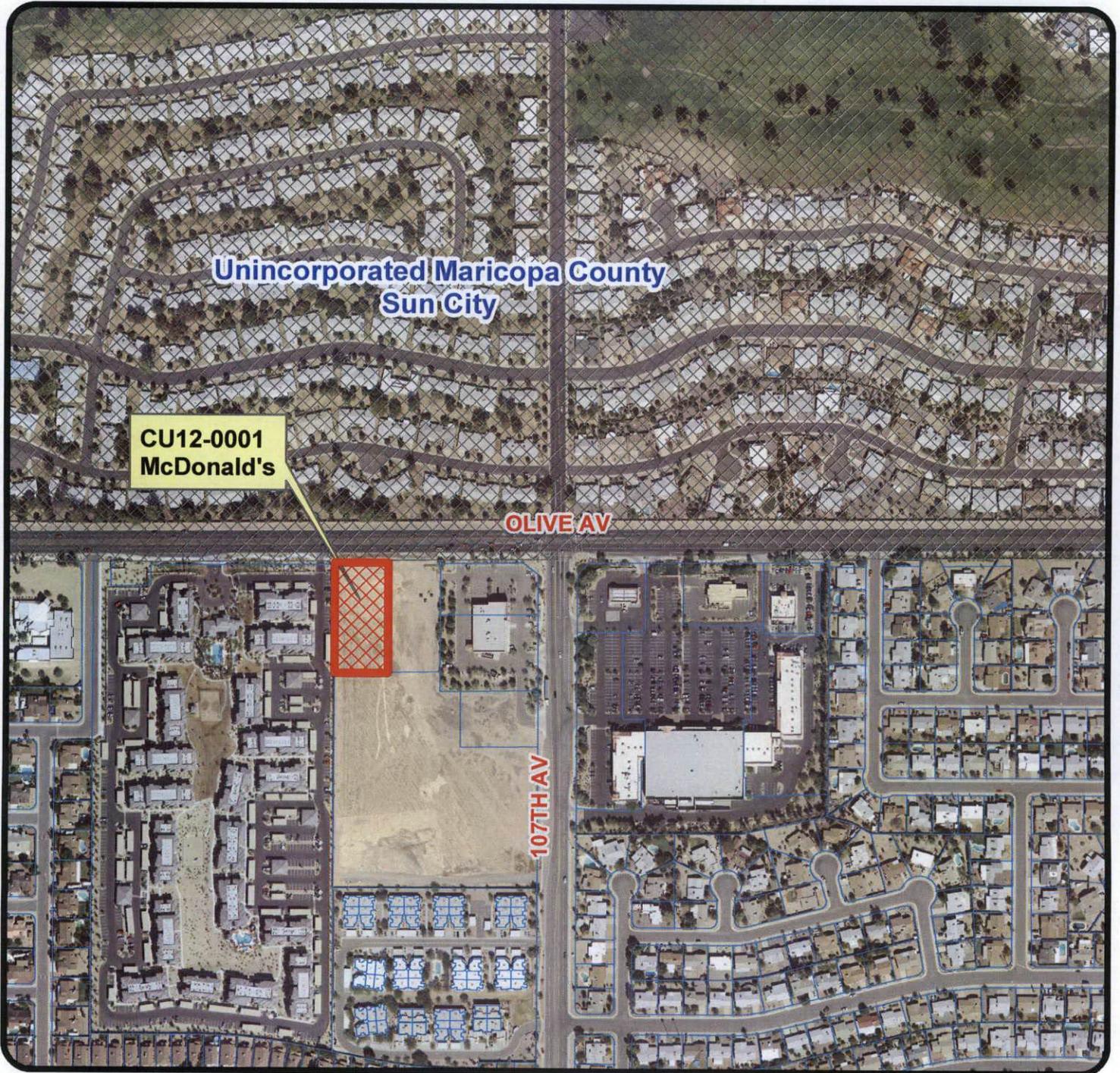
Description of Proposal:

This project consists of the construction of a new drive-thru restaurant building of 4,269 s.f. for McDonald's Corporation. Site improvements including driveways, parking areas, sidewalks, refuse enclosure, site lighting and landscaping will also be constructed as needed to accommodate this new facility. The proposed new building will have a maximum height of 23'-4" from finish floor elevation. On-site parking will be provided as required.

With this development we will be requesting a variance to reduce the required west side landscape buffer from 30 feet wide to 20 feet wide. This buffer reduction is needed to accommodate a reasonable width building, drive-thru lane, parking, sidewalk and vehicle circulation on this site.

The building elevations consist of a Taupe color primary base building stucco with matching split face masonry wainscot, Mauve stucco accents and off-white tiled arcades with current McDonald's branding and signage. This color scheme is compatible with the surrounding buildings yet provides some variation in colors and materials with adjacent uses.

Vicinity/Location Map



CU12-0001 McDonald's

Exhibit B

Applicant: Robert Brown Architects on behalf of McDonald's USA Corp.

Request: Obtain a Conditional Use Permit to allow a drive-through within 200 ft of a residential zoning district for a proposed McDonald's restaurant



Not to Scale

Zoning Map



V12-0001 McDonald's

Exhibit C

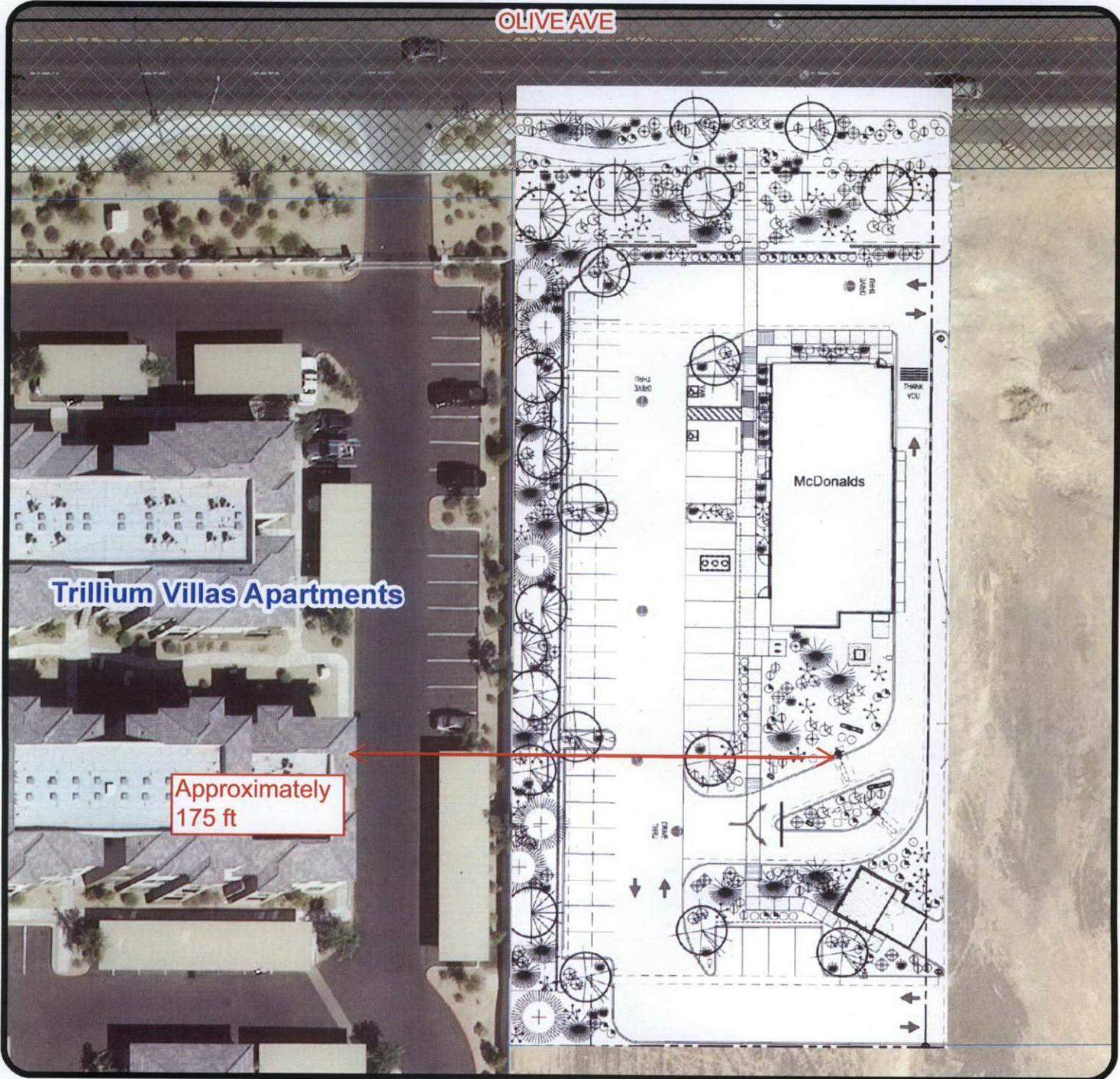
Applicant: Robert Brown Architects on behalf of McDonald's USA Corp.

Request: Obtain a Conditional Use Permit to allow a drive-through within 200 ft of a residential zoning district for a proposed McDonald's restaurant.



Not to Scale

Aerial Map with Site Plan Overlay



CU12-0001 McDonald's

Exhibit D

Applicant: Robert Brown Architects on behalf of McDonald's USA Corp.

Request: Obtain a Conditional Use Permit to allow a drive-through within 200 ft of a residential zoning district for a proposed McDonald's restaurant

CONCEPTUAL SITE PLAN 1-2-1
OPTION: 458745+5



DEVELOPMENT PROGRAM

GENERAL INFORMATION
 CONTACT: ROBERT BROWN ARCHITECTS
 ADDRESS: 1740 N. PERIMETER DRIVE, SUITE 400, SCOTTSDALE, AZ 85258
 TELEPHONE: 480-341-1418 FAX: 480-238-7591
 CONTACT: KELLY FERRELL
 ADDRESS: 1740 N. PERIMETER DRIVE, SUITE 400, SCOTTSDALE, AZ 85258
 TELEPHONE: (480) 371-2222 FAX: (480) 371-2200

OWNER INFORMATION
 CONTACT: M&S
 ADDRESS: 1740 N. PERIMETER DRIVE, SUITE 400, SCOTTSDALE, AZ 85258
 TELEPHONE: (480) 371-2222 FAX: (480) 371-2200

REGULATORY INFORMATION
 ZONING CODE: 2008 MLC
 PLANNING CODE: 2008 MLC
 HEALTH CODE: MARICOPA COUNTY ENVIRONMENTAL HEALTH

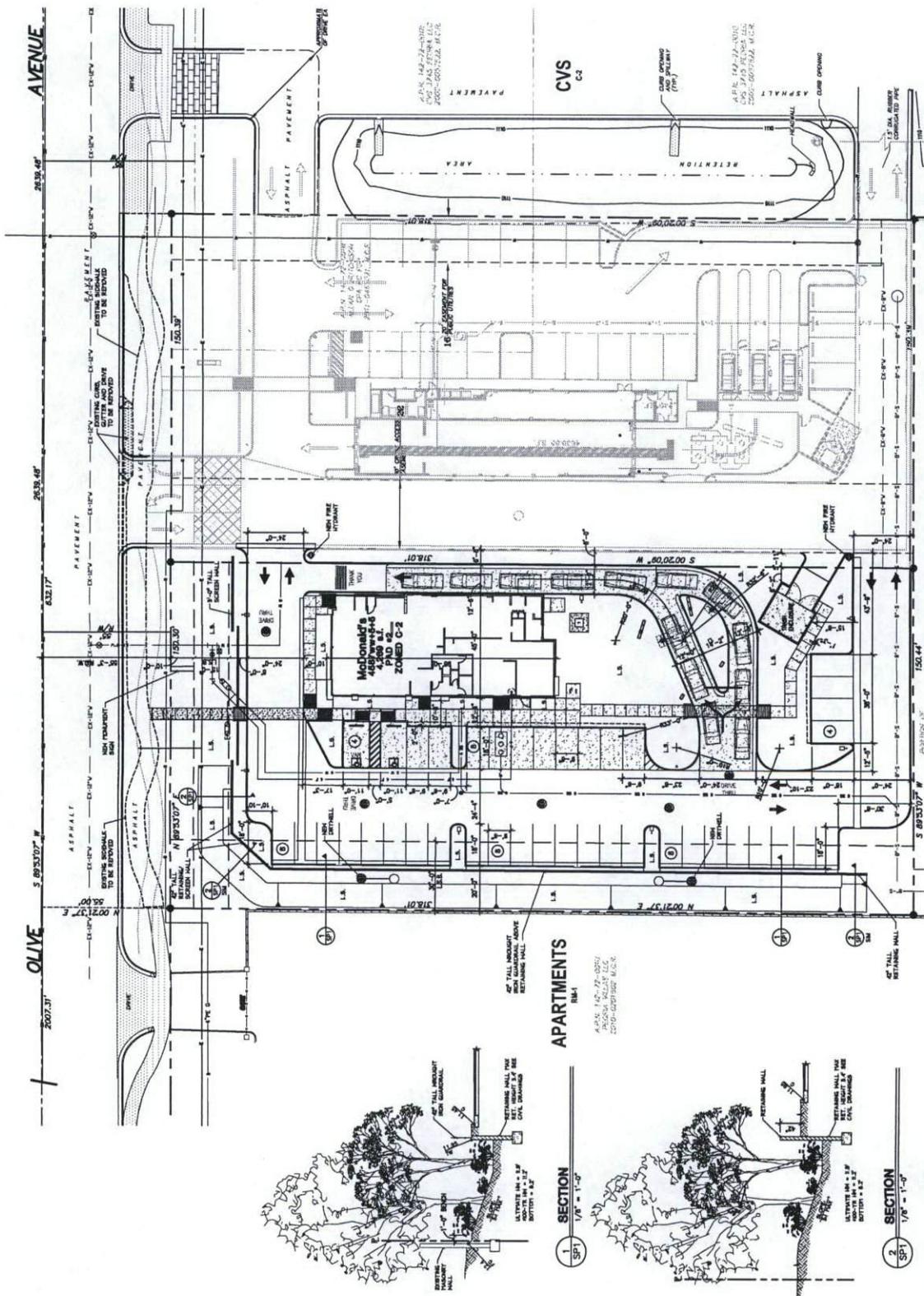
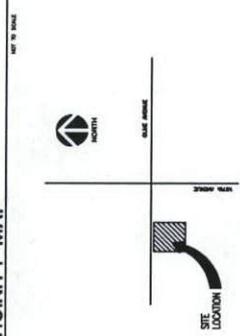
SITE INFORMATION
 PROJECT ADDRESS: WEST OF SWC OLIVE AVENUE & 107TH AVENUE
 PERIA, ARIZONA 85345

- PARCEL NUMBER: 2-A
 EXISTING ZONING DISTRICT: C-2
 SITE USE: MCDONALD'S RESTAURANT (R-2)
 BUILDING HEIGHT: 28'-4"
 PROPOSED BUILDING: 28'-4"
 SITE AREA: 14,271 SQ. FT.
 LOT AREA: 47,071 SQ. FT.
 L.S. ACRES: 1.0488
 BUILDING FLOOR AREA: 4,300 S.F.
 PUBLIC AREA: 1,048 S.F.
- PLANNING INFORMATION (MCDONALD'S)**
 1000 - FRESH AREA: 1,048 S.F. @ 1,000 = 1
 TOTAL REQUIRED: 100 SPACES
 TOTAL PROVIDED: 20 SPACES

GENERAL NOTES:

1. BUILDING SHALL COMPLY WITH THE CITY OF PEORIA DESIGN REVIEW MANUAL.
2. ALL SIGNAGE SHALL BE SUBJECT TO A SEPARATE REVIEW AND APPROVAL.
3. ALL SIGNAGE SHALL BE FULLY ILLUMINATED FROM WITHIN.
4. TRAFFIC SIGNALS SHALL BE FULLY ILLUMINATED FROM WITHIN.
5. TRAFFIC SIGNALS SHALL BE FULLY ILLUMINATED FROM WITHIN.
6. CITY OF PEORIA STAFF SHALL REVIEW THIS PLAN THROUGH PEORIA AND SECTION 16-2 OF THE CITY OF PEORIA ZONING ORDINANCE.

VICINITY MAP



MCDONALD'S RESTAURANT
 WEST OF SWC OLIVE AVE. AND 107TH AVE.
 Peoria, Arizona 85345

robert brown architects
 549 south 48th street - suite 108
 tempe - arizona - 85281
 P.480.377.2222 T.480.377.2230

DATE: 07/11
 SITE: 002-0774
 RBA: 111016

EXHIBIT E

SP-1



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 12-0002
DATE: March 1, 2012
AGENDA ITEM: 4C

Applicant: Karen Kary, on behalf of Crossroads Books and Coffee
Request: Obtain a Conditional Use Permit (CUP) to permit an outdoor dining patio.
Proposed Development: Crossroads Books and Coffee
Location: 9069 W. Olive Avenue
Outdoor Dining Area: 820 square feet
Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this proposal.
Recommendation: **Approve**, with conditions.

LAND USE CONTEXT

Table 1: Existing and Future Land Use, Current Zoning (Exhibits B & C)

| | EXISTING LAND USE | GENERAL PLAN | ZONING |
|------------------|--|---|--------------------------------|
| Subject Property | Vacant suite, proposed bookstore & coffee shop | Low-Density Residential (2-5 du/ac, target 3 du/ac) | C-2, Intermediate Commercial |
| North | Commercial Center | Low-Density Residential (2-5 du/ac, target 3 du/ac) | C-2, Intermediate Commercial |
| South | Vacant | Low-Density Residential (2-5 du/ac, target 3 du/ac) | PAD, Single-Family Residential |
| East | Commercial Center | Low-Density Residential (2-5 du/ac, target 3 du/ac) | C-2, Intermediate Commercial |
| West | 83 rd Ave, Commercial Center | Community Commercial | C-2. Intermediate Commercial |

PROJECT DESCRIPTION

1. The applicant is requesting issuance of a Conditional Use Permit (CUP) for a new outdoor patio to be used in conjunction with a proposed bookstore and coffee shop slated for Suite 105 of the Fry's Shopping Center at Olive and 91st Avenues. The overall interior size of the business is 4,641 square feet. The

outdoor patio will be 820 square feet which equates to approximately 18% of the interior space.

2. The general improvements to the outdoor patio area will consist of movable tables and chairs to be located along the walkway of the shopping center. Musical instruments or sound reproduction devices will not be operated or used with the patio area. The patio area will not be fenced off.
3. The proposed hours of operation for the patio is six days a week between the hours of 7:00 AM to 9:00 PM Monday through Thursday, 7:00 AM to 11:00 PM on Saturdays and closed on Sundays.

FINDINGS AND ANALYSIS

4. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
5. According to Section 14-39-5.B.2.c, an outdoor dining patio shall not exceed 25% of the gross floor area of the associated establishment unless the Planning and Zoning Commission waives this requirement based on a finding that sufficient measures have been taken to mitigate potential adverse impacts on adjacent properties. The floor area of the proposed patio would amount to approximately 18% of the total gross floor area of the associated business. Therefore, no waiver is necessary for this request.
6. The applicant has provided staff with a narrative that describes the nature of the business, which appears to be typical for outdoor dining areas associated with bookstores and coffee shops.
7. In staff's judgment, the proposed use is an appropriate, ancillary function to the proposed bookstore and coffee shop use. The use is consistent with surrounding land uses and the context of the area in question.
8. Pursuant to Section 14-39-10 of the Peoria Zoning Ordinance, notice was forwarded to all property owners within 600 feet of the proposal and all registered Homeowners Associations within 1 mile of the proposal. As of this writing, no responses in support or opposition have been received.

Proposition 207

9. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have

the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has agreed to furnish a signed and notarized Proposition 207 Waiver.

RECOMMENDATION

10. Based on the following findings:

- The proposal is limited in scope and an appropriate, ancillary function for a bookstore and coffee shop use;
- The outdoor dining area is within a larger existing commercial development;
- The use will be located and will operate in a manner that protects the neighborhood from nuisances and other disturbances and is consistent with a neighborhood-serving commercial establishment.

It is recommended that the Planning and Zoning Commission take the following action:

Approve the request for a Conditional Use Permit under Case CU12-0002, subject to the following condition:

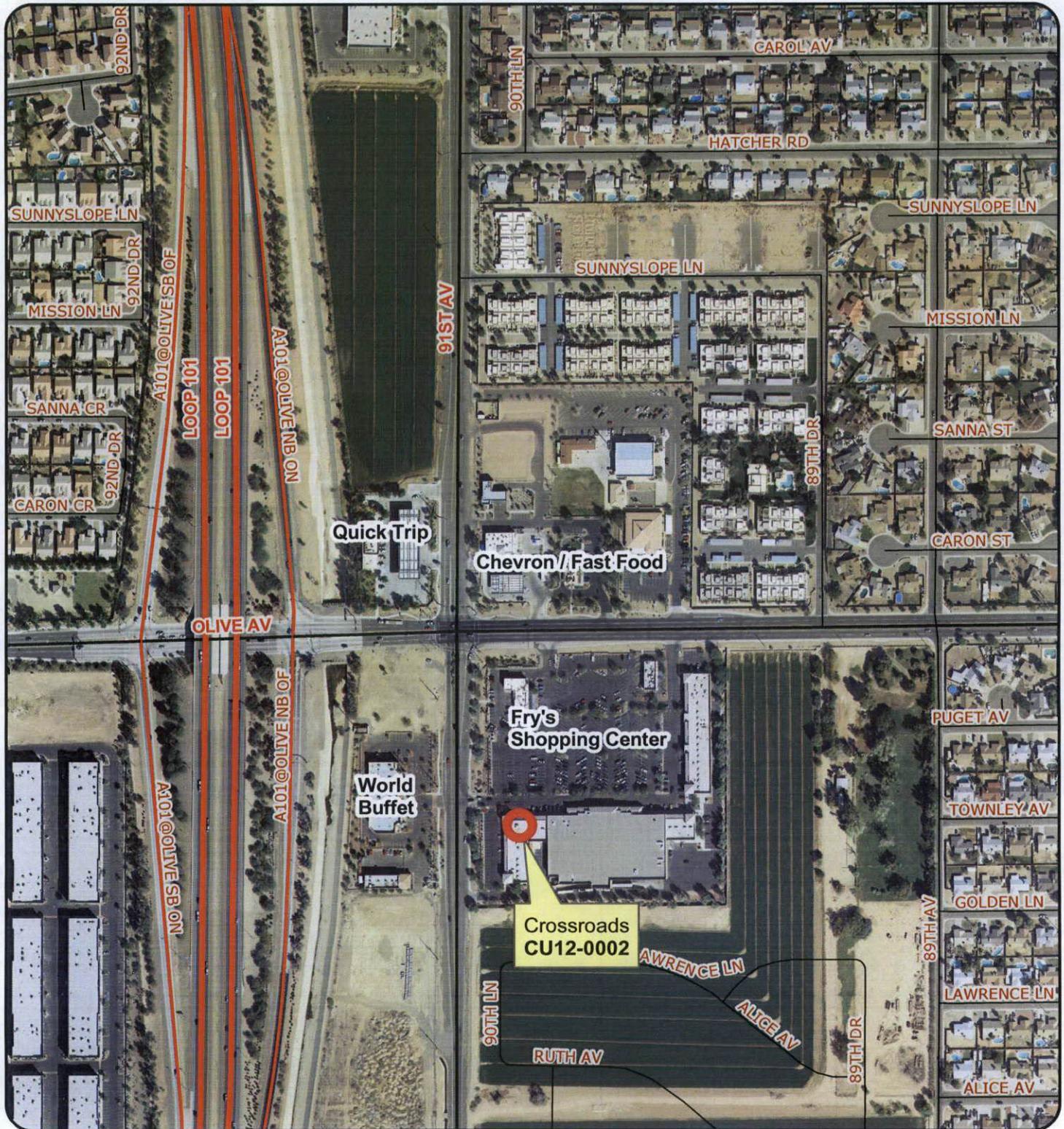
1. The use shall substantially conform to the project Site Plan (Exhibit E) as contained in the staff report to the March 1, 2012 Planning & Zoning Commission, except where modified herein.

Attachments:

| | |
|--------------|--|
| Exhibit A | Vicinity Map |
| Exhibit B | Existing Land Use |
| Exhibit C | Existing Zoning |
| Exhibit D | Site Aerial |
| Exhibit E | Site Plan |
| Exhibit F | Narrative |
| Prepared by: | Ed Boik, LEED Green Associate Planner |

Vicinity Map

Exhibit A



CU12-002 Crossroads Books and Coffee

Applicant: Phil & Karen Kary, Crossroads Books & Coffee

Request: Approve CUP for outdoor seating patio

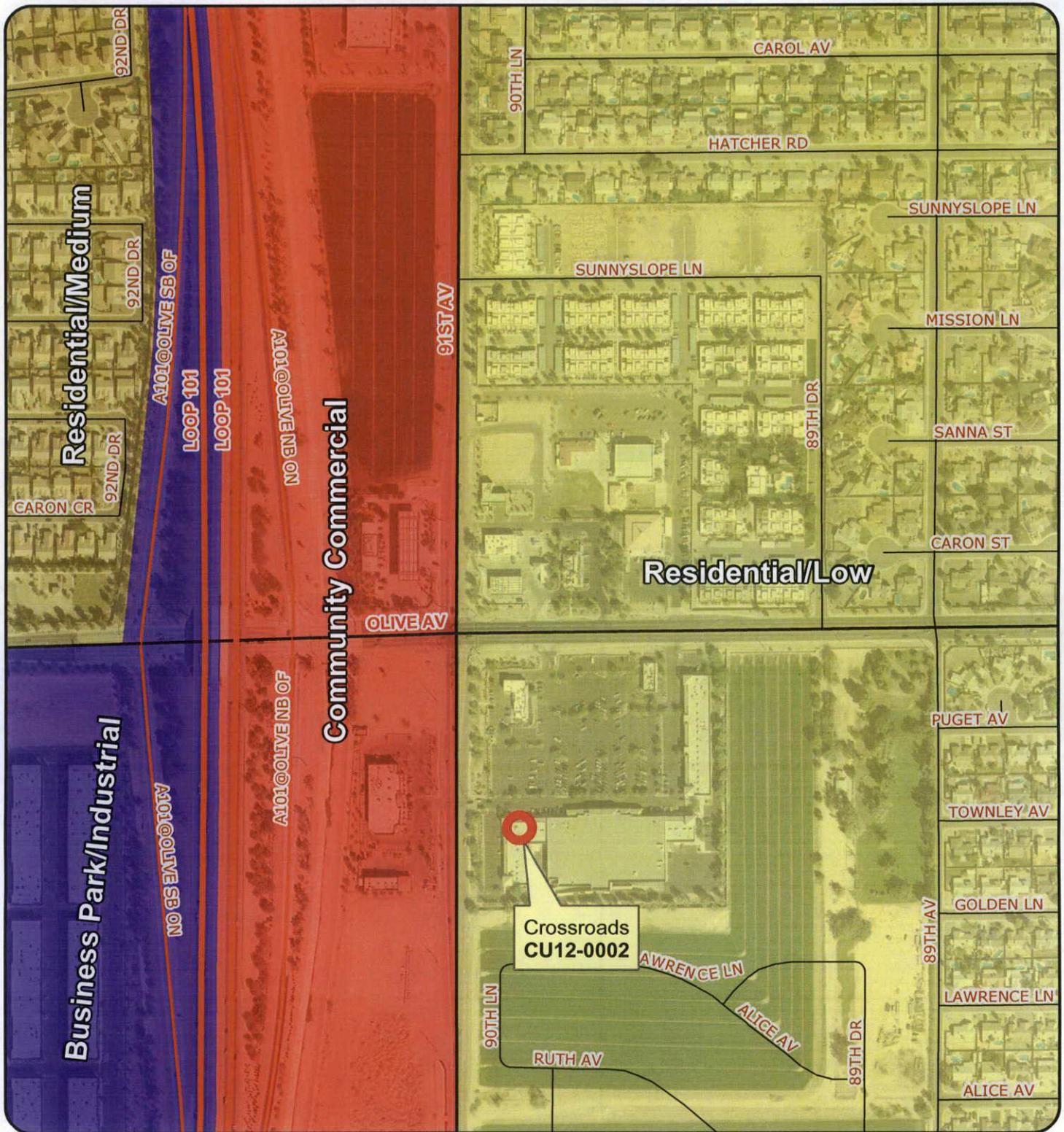


Not to Scale



Land Use Map

Exhibit B



CU12-002 Crossroads Books and Coffee

Applicant: Phil & Karen Kary, Crossroads Books & Coffee

Request: Approve CUP for outdoor seating patio

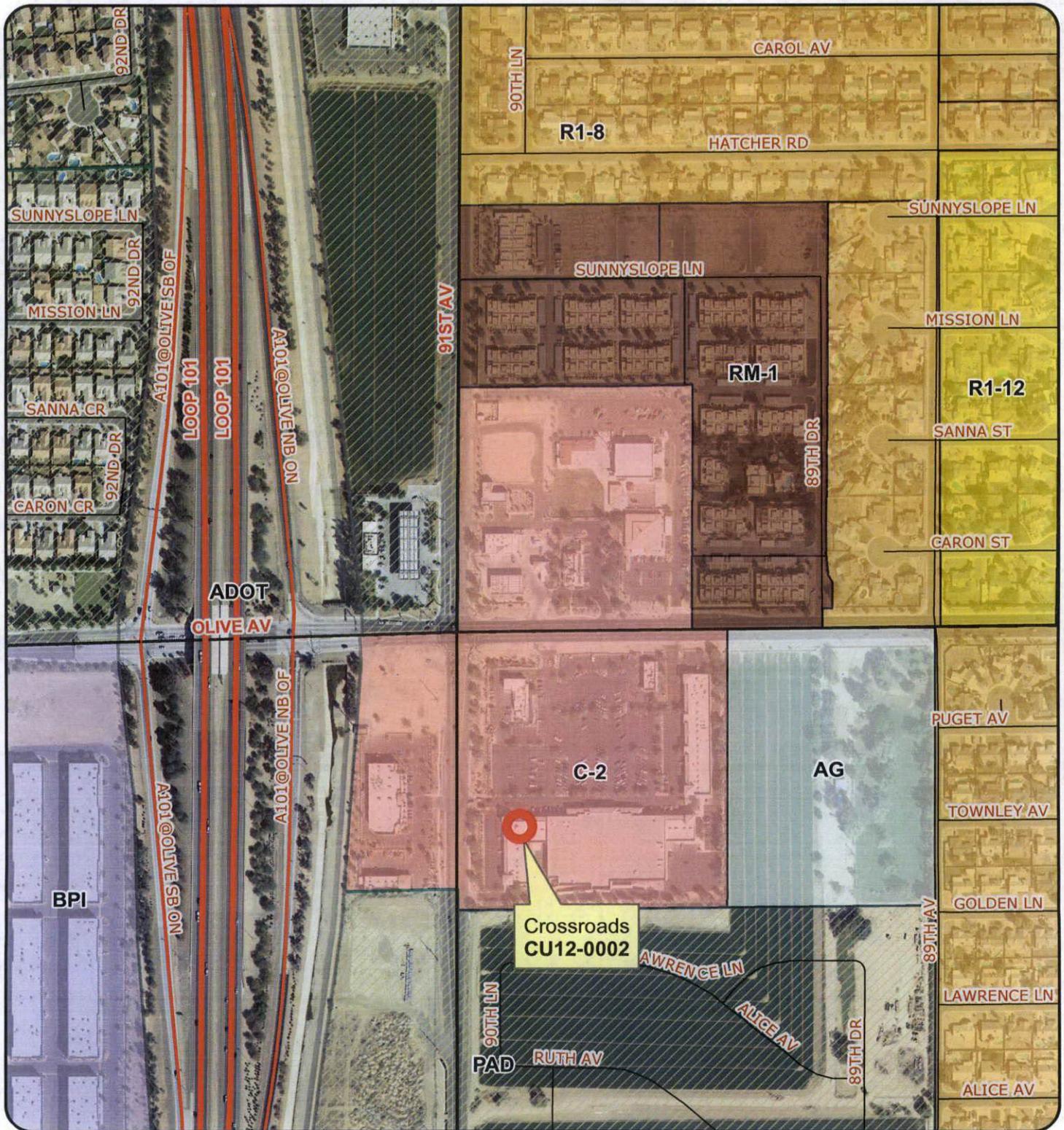


Not to Scale



Zoning Map

Exhibit C



CU12-0002 Crossroads Books and Coffee

Applicant: Phil & Karen Kary, Crossroads Books & Coffee

Request: Approve CUP for outdoor seating patio



Not to Scale



Site Aerial

Exhibit D



CU12-002 Crossroads Books and Coffee

Applicant: Phil & Karen Kary, Crossroads Books & Coffee

Request: Approve CUP for outdoor seating patio



Not to Scale



Crossroads Books & Coffee
9069 W. Olive Ave. #105
Peoria, AZ 85345
91st. Ave. & Olive

We are asking permission to put 7 tables (28" X28") with 4 chairs each on the sidewalk outside our coffee shop. We will not be fencing it off and there will be 4 feet of free walking space on the outside of the tables and chairs. The area on the west side of the building away from the door will be Designated for smoking. This space will be for the customers of Crossroads Books & Coffee and not open to the general public. All the tables and chairs will be pulled into the store upon closing.

The hours of our store will be as follows:

| | |
|-------------|----------|
| Mon.—Thurs. | 7am—9pm |
| Fri.—Sat. | 7am—11pm |
| Sun. | Closed |

Ed Boik

From: Karen Kary [karenkary@questoffice.net]
Sent: Thursday, January 26, 2012 11:52 AM
To: Ed Boik
Subject: sq. footage and verification

Hi Ed,

Here is the square footage of the outdoor area for our bookstore/coffee shop: 820 sq. feet

I have also attached our owner verification page from our landlord.

Please call me if you have any questions or need anything else. 623-340-0416 I will not be available by email later today, as I will be at the new location the rest of today.

I so appreciate you trying to get this through quickly.

Karen R. Kary
Crossroads Christian Stores, Inc
dba Crossroads of Life
Christian Books & Gifts

soon to be Crossroads Books & Coffee



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ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 11-0006
DATE: March 1, 2012
AGENDA ITEM: 5R

Applicant: City of Peoria
Request: Amend Article 14-34, *Signs* of the Zoning Ordinance in regards to political signs, and a general clean up of references to specific staff positions.
Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this request.
Recommendation: **Approve** as requested.

BACKGROUND

1. This is a City-initiated amendment to Article 14-34, *Signs* of the Zoning Ordinance to update regulations regarding Political Signs in order to comply with changes in state law. House Bill 2500, passed by the State Legislature and signed by Governor Brewer in April 2011, amended Section 16-1019 of the Arizona Revised Statutes (A.R.S.) relating to Political Signs. The key consequence of this legislation is that cities, towns, and counties are not permitted to remove political signs that are located within the public right-of-way during prescribed periods of time before and after an election and provided the sign meets certain criteria such as maximum size and is not placed in locations deemed "hazardous to public safety."
2. The City's Sign Code (Article 14-34 of the Zoning Ordinance) currently prohibits nearly all signs, including Political Signs, from being placed in the public right-of-way. The proposed changes will conform to the updated A.R.S. regulations, allowing political signs in the City-owned right-of-ways as required, and still strive to promote public safety by identifying those areas where such signs are prohibited in order to prevent hazardous situations.

3. Additionally, House Bill 2500 allows for the creation of exclusionary zones for tourism purposes, whereby the City can restrict the placement of political signs from the public right-of-way. Such a zone could be created through a City Council approved Resolution. A proposed Resolution creating an exclusionary zone around the Sports Complex ("Sports Complex Commercial Tourism Zone") will be presented to City Council for their adoption along with this text amendment case.
4. Minor housekeeping changes are also proposed to Article 14-34 in order to replace references to a non-existent City staff position (e.g. "Building Safety Director") with more general references.

DISCUSSION AND ANALYSIS

Sustainable Development Subcommittee

5. On November 2, 2011, the proposed amendment was presented to the City Council Sustainable Development Subcommittee. As part of the discussion, staff identified several potential policy items for specific consideration as outlined below:
 - **Sign-Free Zones:** HB2500 permits the City to establish up to two (2) Political Sign free zones (within the public right-of-way). Collectively, the areas cannot exceed 3 square miles and must be areas that contain a predominance of "commercial tourism, resort and hotel uses." The Subcommittee opined that the Sports Complex District (~ 1 square mile) was an appropriate political-sign free area based on the criteria, and that staff should pursue designation as such.
 - **Sign Area:** HB2500 prohibits removal of Political Signs within the public right-of-way provided that they not exceed 16 square feet in area in residential districts and 32 square feet in area non-residential districts. Currently, the Sign Code allows Political Signs on private property in *any* zoning district provided they not exceed 32 square feet in area. To minimize potential confusion and promote visual aesthetics, staff had proposed that signs in residential districts (ROW + private property) be limited to 16 square feet and signs in non-residential districts (ROW + private property) be limited to 32 square feet. The Subcommittee concurred with the staff proposal.
 - **Prohibit on structures owned by the City:** The current Sign Code prohibits political signs on structures, buildings and traffic control devices owned by the City. The new law maintains the ability of the city to prohibit Political Signs on City structures. The Subcommittee opined that the current prohibition was appropriate.
 - **Sign Placement Timeframe:** Currently, the Sign Code does not specify a maximum period of time for placing Political Signs prior to a vote or

proposition. HB2500 specifies that the City cannot remove Political Signs in the public right-of-way within 60 days prior to the primary election and ending fifteen days after the general election. This was discussed by the Subcommittee. Although support was voiced for a maximum period of time prior to a vote, there was *not* consensus in terms of what that period should be, 60 day and 90 day timeframes were discussed.

City Council Study Session

6. On November 15, 2011, the proposed amendment was discussed at a City Council Study Session. Staff briefed the City Council on discussion points from the Sustainable Development Subcommittee and sought input and direction from the full Council on the proposed amendment.

Sports Complex Political Sign-Free Zone (ROW)

7. There was a consensus among the City Council in favor of the creation of a “political sign-free right-of-way zone” in the Sports Complex area. Accordingly, as part of the amendment, staff has prepared a Resolution for City Council adoption of a “political sign-free right of way zone” for the Sports Complex area.

Sign Placement Timeframe

8. HB2500 prevents the removal of political signs in the public right-of-way within a protected window of 60 days before a primary election [date] and ending 15 days after the general election. A candidate not advancing to the general election would have a protected window 15 days after the primary election date. There was consensus among the Council that the protected window prior to a election date should be broadened to 90 days, effectively 60 days before early voting by mail occurs.

Prohibited Locations

9. There was consensus among the Council in favor of continuing the prohibition of political signs on property (except ROW), structures, buildings and traffic control devices or safety barriers owned by the City. Additionally, political signs may be located in the public right-of-way provided they are not hazardous to public safety or located in a manner that interferes with the requirements of the American Disabilities Act (ADA).

Sign Area

10. There was a split in the Council’s preference for regulations on maximum sign sizes. Three Councilmembers supported a 16 square foot maximum size for political signs located in residential zoning districts, three of the members supported the allowance of larger 32 square foot signs in residential zoning districts, and one Councilmember was undecided on the matter. One issue of concern was the existence of high-trafficked roadways located in residential

zoning districts, where the right-of-way may be flanked with block walls as opposed to homes and the perception that these areas *feel* less residential in character than perhaps a typical neighborhood street lined with front yards.

11. On the matter of political signs in residential zoning districts, staff has developed language that would allow the larger 32 square foot signs, with exceptions for right-of-ways along roads designated as Local or Rural in residential zoning districts, where 16 square feet would be the maximum size for political signs. Roadways classified as Local or Rural are intended to provide access to abutting properties, including individual residences. Local and Rural roadways generally accommodate lower traffic volumes and serve shorter trips than higher functional classes of roadways such as arterials and collectors.
12. The majority of single family residences are accessed by Local or Rural roadways. Single family homes in residential developments typically front onto these low speed roads. The intent of this regulation is to prevent situations where the placement of large 32 square foot political signs (in the public right-of-way) may not be appropriate, such as in residential neighborhoods, while allowing signs of this sign to be located along high-trafficked collector and arterial roads that may be in residential zoning districts, but have a much less residential feel. Collector and arterial roads often frame the edges of a residential neighborhood, but do not generally provide direct access to the residences adjacent to them. More commonly, perimeter block walls of the adjacent neighborhood will face the collector and arterial roads. Therefore, allowing larger signs along the right-of-ways of collector and arterial roads, regardless of zoning district, will be less likely to have detrimental impacts to residential neighborhoods.

Proposed Changes

Section 14-38-8 Sign Types and Requirements

13. The definition of Political Signs has been updated to align with the definition provided under HB2500.
14. Regulations have been amended to allow Political Signs in public right-of-ways, per HB2500, with exceptions for designated sign-free zones, locations where the signs would pose a safety hazard, as well as within medians and traffic circles.
15. The allowed timing of installation of political signs has been changed to 90 days before an election date, with removal 15 days after the election date. Signs for candidates advancing from a primary election may remain in place in the interim until 15 days after the general election takes place.

16. Maximum allowable sign area has been maintained at 32 square feet, except for signs located in the public right-of-ways in residential zoning districts along Local or Rural roads, where the maximum size is 16 square feet.
17. Removal of signs by the City will be done in accordance with State Statutes. HB2500 specifies procedures for contacting the party responsible for the sign's installation and provides a waiting period before a sign may be removed unless it is an eminent danger to the public.

Multiple sections

18. References to "Building Safety Director", a staff position that no longer exists, have been removed and replaced with more general relevant references such as "the Department" or "the City."

Administrative Procedure

Public Notice

19. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing has been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing.

FINDINGS AND RECOMMENDATION

20. Based on the following findings:
 - The proposed amendment revises the Zoning Ordinance to conform with updated regulations of the Arizona Revised Statutes.
 - The amendment updates the language of the Zoning Ordinance to maintain its relevancy and concurrency with other City ordinances and standards.
 - Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the Mayor and City Council approval of Case TA 11-0006, a request to amend the Peoria Zoning Ordinance as contained in Exhibit A.

ATTACHMENTS

- Exhibit A: Proposed changes to Article 14-34
(deletions/additions shown as ~~strike~~/underscore)
- Exhibit B: House Bill 2500
- Exhibit C: Summary of Amendment

Prepared by: Melissa Sigmund
Planner

EXHIBIT A

Proposed changes to Article 14-34 Signs

(Amended by Ord. Nos. 2011-01, 2012-XX)

14-34-8 SIGN TYPES AND REQUIREMENTS

A. Permitted Signs. The following signs are permitted, subject to the criteria listed under each sign:

7. Construction Sign. A sign which identifies the parties included in an "in-process" construction project.

- a. Such signs shall only be displayed on the actual construction site;
- b. Such sign shall not exceed eight (8) feet in height nor thirty-two (32) square feet in area;
- c. All such signs shall be removed prior to the issuance of a Certificate of Occupancy for the site;
- d. All construction signs shall be constructed and installed to standards defined by the Department Building Safety Director.
- e. No sign permit required, but such signs shall be constructed to standards required for a permanent sign as described by the Arizona Sign Association.

29. Political Signs. Except as otherwise provided by ARS §16-1019, a temporary sign used to support or oppose advertise the candidacy of an individual, or ballot proposition/issue, or to encourage citizens to vote. Such signs shall be permitted within all zoning districts. (Ord. No. 97-40) (Ord. No. 2012-XX)

- a. Such signs may be located within the City right-of-way, but shall not be located provided they are not:
 - i. hazardous to public safety; within the public right-of-way,
 - ii. within a required visibility triangle, or clear vision area;
 - iii. within a roadway median or traffic circle,
 - iv. affixed to any City-owned utility pole, traffic control device or safety barrier; or on City property or buildings.
 - v. located in a manner that interferes with the requirements of the Americans with Disabilities Act;
 - vi. located in any designated commercial tourism, commercial resort, and hotel sign-free zones designated by the City Council pursuant to ARS §16-1019; and

vii. otherwise in violation of a requirement found in this Section. (Ord. No. 04-02)(Ord. No. 2012-XX)

b. Except as provided herein, such signs shall not be located on City-owned property, buildings, or structures;

~~b-c.~~ Such signs shall be located on property with the owner's permission. It shall be presumed the property owner has given permission unless the property owner notifies the city otherwise; (Ord. No. 04-02)

~~e. d.~~ Such signs shall be installed no sooner than ninety (90) days prior to a primary election day. For candidates not advancing to the general election, such signs shall be removed within fifteen (15) days after the primary election day. For candidates advancing to the general election, such signs shall be removed within fifteen (15) days following the general election day. removed within ten (10) days following the voting day of the election to which they refer. Signs for successful primary election candidates, eligible for the general election, may remain after the primary election;

~~d.~~ Such signs shall not be placed on or affixed to any utility pole, traffic control device or safety barrier;

~~e.~~ Such signs shall not exceed thirty-two (32) square feet in area or eight (8') feet in height, except for signs located in the right-of-way along Local or Rural classified roadways in residential zoning districts, which shall not exceed 16 square feet in area or eight (8) feet in height. When free-standing, political signs shall be constructed to Arizona Sign Association Sign Standards;

~~f.~~ Such signs shall contain the name and telephone number of the candidate or campaign committee contact person. The person, party or parties responsible for the erection or distribution of any such signs shall be jointly and severally liable for the removal of such signs;

~~g.~~ Such signs which are deemed to be unsafe, defective or which create an immediate hazard to persons or property or are not in compliance with the provisions of this section shall be declared to be a public nuisance and shall be subject to ~~immediate~~ removal by the City in accordance with state statutes; (Ord. No. 04-02, Ord. No. 2012-XX)

~~h.~~ No sign permit required.

14-34-17 PERMIT APPLICATION AND EXPIRATION

A. To obtain a permit the applicant shall file an application with the Department Building Safety Director on a form furnished by the City. The application shall contain the location by street and number and name of the proposed sign contractor, with address, state license, city tax number and phone number. All applications shall be accompanied by the written consent of the owners, lessee, agent or trustee in charge of the property on which the sign is proposed.

- 1 B. Every permit issued by the City Building Safety Director under the provisions of this
2 code shall expire by limitation and become null and void, if the work authorized by
3 such permit is not completed within one hundred eighty (180) days from the date of
4 issuance of such permit. Before such work can be allowed, a new permit shall be
5 first obtained, and the fee therefore shall be one-half of the amount required for a
6 new permit for such work, provided no changes have been made or will be made in
7 the original plans and specifications for such work.
8
- 9 C. The City Building Safety Director may, in writing, suspend, or revoke a permit issued
10 under provisions of this Section whenever the permit is issued on the basis of a
11 material omission or misstatement of fact, or in violation of any ordinance or any
12 provisions of this Article.
13
- 14 D. No permit for a sign issued by the City shall be deemed to constitute permission or
15 authorization to maintain a public or private nuisance nor shall any permit issued
16 hereunder constitute a defense in an action to abate a nuisance.
17
- 18 E. The City Building Safety Director may issue use permits for the display of temporary
19 on-site signs, upon a written form prescribing the terms and conditions of such
20 display specified in this Code. Said form must be signed by the Planning and Zoning
21 Director or designated agent.
22
- 23 F. Sign permits for new or additional signs shall not be issued for a specified user if
24 such user displays unlawful signs. Sign permits for new or additional signs shall not
25 be issued for a specified user if such user displays nonconforming signs, provided
26 the area of the nonconforming signs exceeds the total maximum allowable sign area
27 for a particular user or center. If the nonconforming signs do not exceed the total
28 maximum sign area for a particular user or center, then a sign permit may be issued
29 for a new sign subject to the provisions of this Article 14-34. A sign permit may be
30 issued to a specific user providing the terms thereof specify modification or removal
31 of nonconforming signs, as provided above, resulting in conformity with the
32 provisions of this Article 14-34.
33
- 34 G. Signs for which a permit has been issued shall not be erected, installed, maintained,
35 or displayed except in complete conformance with all terms, requirements, and
36 stipulations specified by the approved plans and permit.
37
38

14-34-18 PERMIT FEES

- 39
- 40
- 41 A. Before issuing any sign permit required by this Article, the Planning and Zoning
42 Department shall collect an application fee in an amount as provided in this code,
43 together with all fees required by the Uniform Building Code as adopted by the City
44 of Peoria. (Ord. No. 91-12)
45
- 46 B. In addition to the above fees, electrical wiring fees shall be required as specified by
47 the City Code Building Safety Director. (Ord. No. 91-12)
48
- 49 C. An owner of a nonconforming sign which has been removed or brought into
50 conformance shall not be required to pay a permit fee in order to obtain a permit for a
51 replacement sign.

1
2 D. Work for which a permit is required by this Article shall not be commenced before an
3 application has been filed and a permit issued. Where work is commenced without
4 an application being filed and a permit issued, the fees provided in this section shall
5 be charged. However, the payment of such fees shall not relieve any person(s) from
6 complying fully with the requirements of this Article in the execution of the work or
7 from any penalties provided in this code. (Ord. No. 91-12)
8
9

10 **14-34-19 REQUIREMENT OF PLANS**

11
12 Copies of plans and specifications, ~~the number to be determined by the Building Safety~~
13 ~~Director,~~ shall be submitted with the application for each sign in excess of four (4)
14 square feet in size ~~that requires a permit, regulated by this Article 14-34.~~ One copy
15 shall be returned to the applicant at the time the permit is granted. Such plans shall
16 show complete details about the size of the sign, the method of attachment or support,
17 locations and materials to be used and the name, address, and profession of the person
18 designing plans and specifications of such sign. Plans for supports for any sign subject
19 to excessive stresses as determined by the ~~City Building Safety Director~~ shall be
20 accompanied by structural surfaces and other members of an existing building to which
21 the sign is to be attached so that the ~~City Building Safety Director~~ may certify that the
22 supports or other surfaces are in good condition and are adequately strong to support
23 the load, including the proposed sign.
24
25

26 **14-34-20 REVOCATION OF PERMITS**

27
28 The ~~City Building Safety Director~~ shall have the authority to revoke any permit which has
29 been granted when ~~it is he has~~ determined that the sign authorized by the permit has
30 been constructed or is being maintained in violation of the permit.
31

32 A. Notice of the ~~City's Building Safety Director's~~ decision to revoke a sign permit shall
33 be served upon the holder of the permit (a) by delivering personally a copy of the
34 notice to the holder of the permit, or to one of its officers, or (b) by leaving a copy of
35 the notice with any person in charge of the premises, or (c) in the event that no such
36 person can be found on the premises, by affixing a copy of the notice in a
37 conspicuous position at an entrance to the premises and by the certified mailing of
38 another copy of the notice to the last known post office address of the holder of the
39 permit.
40

41 B. The holder of the permit may appeal to the Board of Adjustment the decision ~~of the~~
42 ~~Building Safety Director~~ to revoke the permit. This appeal must be made within
43 twenty-one (21) days from the date when the notice was served.
44

45 C. If no appeal has been made by the end of the twenty-one (21) day appeal period,
46 then the permit is revoked and the sign is illegal. The ~~City Building Safety Director~~
47 then shall initiate the procedure for the removal of the illegal sign.
48
49

50 **14-34-21 REMOVAL OF SIGNS**

1 Except as otherwise provided in this ordinance, the City Building Safety Director is
2 hereby authorized to require removal of any illegal sign as defined by this ordinance.

3
4 A. ~~Before bringing an action to require removal of any illegal sign, the Building Safety~~
5 ~~Director shall give written notice to~~ the owner of the sign or the owner of the
6 premises on which sign is located shall be provided with written notice. The notice
7 shall state the reasons and grounds for removal, specifying the deficiencies or
8 defects in such sign with reasonable definiteness, and the violations charged; such
9 notice shall specify what repairs, if any, will make such an installation conform to the
10 requirements of this ordinance, and specify that the sign must be removed or made
11 to conform with the provisions of this Article 14-34 within the notice period provided
12 below. Service of notice shall be made as prescribed in Section 14-34-20A of this
13 Article 14-34.

14
15 1. Notice Period.

16 a. The notice period for permanent signs shall be ten (10) days.

17
18 b. The notice period for temporary signs shall be forty-eight (48) hours.

19
20
21 2. Re-erection of any sign or substantially similar sign on the same premises after a
22 non-compliance notice has been issued shall be deemed a continuance of the
23 original violation.

24
25 B. If the owner or lessee of the premises upon which the sign is located has not
26 demonstrated to the satisfaction of the City Building Safety Director that his sign has
27 been removed or brought into compliance with the provisions of this Article 14-34 by
28 the end of the notice period, then the City Building Official or designee ~~Building~~
29 ~~Safety Director~~ shall certify the violations to the City Attorney for prosecution.

30
31 C. Removal.

32
33 1. The City Building Safety Director is authorized to cause the removal of any sign
34 adjudged to be illegal by a court of competent jurisdiction if the court so orders.
35 All the actual cost and expense of any such removal by the City Building Safety
36 Director shall be borne by the owner of such sign installation and the owner of
37 the premises on which located; each of them shall be jointly and severally liable
38 therefore, and an action for recovery thereof may be brought by the City Attorney
39 upon proper certification thereof to him by the City Building Safety Director.

40
41 2. The City Building Safety Director may cause the removal of unauthorized
42 advertising signs from the public right-of-way or public property. Such signs may
43 be impounded as evidence, or disposed of as abandoned property unless
44 claimed by the owner within thirty (30) days. Such signs shall be deemed a
45 nuisance and subject to removal without notice.

46
47
48 **14-34-22 EMERGENCY REMOVAL OR REPAIR**

49
50 A. The City Building Official ~~Building Safety Director~~ is hereby authorized to cause the
51 immediate removal or repair of any sign or signs found to be unsafe or defective to

1 the extent that it creates an immediate and emergency hazard to persons or
2 property.

3
4 B. If the City Building Official ~~Building Safety Director~~ has determined that an immediate
5 emergency hazard to persons or property exists, then actual notice to the property
6 owner or lessee shall not be required. However, the City Building Official ~~Building~~
7 ~~Safety Director~~ shall be required to make a reasonable effort to notify the property
8 owner or lessee that the unsafe or defective sign must be removed or repaired
9 immediately.

10
11 C. All the actual cost and expense of any such removal or repair by the City Building
12 ~~Safety Director~~ shall be borne by the owner of such sign or by the owner of the
13 premises on which located; each of them shall be jointly and severally liable
14 therefore, and an action for recovery thereof may be brought by the City Attorney
15 upon proper certification thereof to him by the City Building Official or designee.
16 ~~Building Safety Director.~~

17
18
19 **14-34-23 ENFORCEMENT**

20
21 ~~A. The Building Safety Director is charged with the lawful enforcement of this Article 14-~~
22 ~~34. He/she shall appoint and may remove, according to law, all subordinate officials~~
23 ~~and assistants necessary to the enforcement of this ordinance. All such subordinate~~
24 ~~officials, assistants, clerks, and employees shall be subject to such rules and~~
25 ~~regulations as shall be prescribed from time to time by said Director.~~

26
27 ~~A.~~B. It shall be the duty of the City Building Official ~~Building Safety Director~~ to enforce
28 all regulations covered by this Article 14-34.

29
30 ~~B.~~C. The City Building Official ~~Building Safety Director~~, or his/her authorized
31 representative, shall have the authority to enter any building, structure, or premises
32 or any part thereof, at any reasonable time for the purpose of performing his official
33 duties under this Article 14-34. Refused entry, he shall enter only with a court order,
34 except in emergency situations.

35
36 ~~C.~~D. It shall be and is hereby declared to be unlawful for any person to willfully
37 interfere with, hinder, or obstruct the City Building Official ~~Safety Director~~, or his/her
38 authorized representative, in the lawful enforcement of the provisions of this Article
39 14-34.

40
41 ~~D.~~E. It shall be the duty of the Police Department of the City to assist the Building
42 Safety Director, or his/her authorized representative in the lawful enforcement of the
43 provisions of this Article 14-34.

44
45
46 **14-34-24 INSPECTIONS**

47
48 Unless waived by the City Building Official ~~Safety Director~~ all signs for which a permit is
49 required shall be subject to the following inspections:

50
51 A. Footing inspection on all free standing signs.

- 1
- 2 B. Electrical inspection on all illuminated signs.
- 3
- 4 C. An inspection of braces, anchors, supports and connections and wall signs.
- 5
- 6 D. Site inspection to insure the sign has been constructed according to approved
- 7 application and valid sign permit.
- 8
- 9

10 **14-34-25 INSPECTION MARKINGS**

11 Reserved

- 12
- 13
- 14 ~~A. Permanent Signs. All permanent signs regulated by this Article 14-34 shall be~~
- 15 ~~marked with the inspector's name and the person or firm erecting such sign, the date~~
- 16 ~~of installation, and the permit number. This marking shall be permanently placed on~~
- 17 ~~the exterior surface of the sign in a location where the information will be readily~~
- 18 ~~visible, legible and accessible for inspection after installation and erection.~~
- 19
- 20 ~~B. Temporary signs shall be marked by a sticker furnished by the City.~~
- 21
- 22

23 **14-34-26 SIGN MAINTENANCE**

- 24
- 25 A. Any signage that has been approved or that has been issued a permit shall be
- 26 maintained by the owner or person in possession of the property on which the sign is
- 27 located. Maintenance shall be such that the signage continues to conform to the
- 28 conditions imposed by the sign permit.
- 29
- 30 B. Any damaged sign or sign base shall be repaired within sixty (60) days of notice to
- 31 repair, issued by the City Building Safety Director.
- 32
- 33 C. Any metal pole covers and sign cabinets shall be kept free of rust and rust stains.
- 34
- 35 D. Any internally-illuminated sign cabinets or sign panels which have been damaged
- 36 shall remain un-illuminated until repaired.
- 37
- 38 E. Any signage which has been damaged to such extent that they may pose a hazard
- 39 to passersby, as determined by the City Building Safety Director, shall be repaired or
- 40 removed as directed by the Building Safety Director, subject to ~~Section 14-34-12~~.
- 41
- 42 F. Failure to comply with these sign maintenance requirements shall constitute a
- 43 violation of the Peoria Zoning Code.
- 44
- 45

46 **14-34-27 DESIGN AND CONSTRUCTION SPECIFICATIONS**

47 All signs shall be designed and constructed according to the specifications of the City's

48 adopted Uniform Building Code and Electrical Code and equivalent to the standards of

49 the Arizona Sign Association ~~as administered by the Building Safety Director~~.

50

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14-34-29 LOCATION REQUIREMENTS

A. Obstruction of Exits. No sign shall obstruct any door, window or fire escape of any building.

B. Traffic Hazards. No sign shall be erected in such a way to interfere with or to confuse traffic, to present any traffic hazard, or to obstruct the vision of motorists.

~~The Building Safety Director may require that the sign be placed in a different location or that the sign be set back in order to comply with this requirement.~~

C. Construction over Public Property. No person, firm, or corporation shall erect or cause to be erected any sign which projects over any public sidewalk, street, alley or public place, except as specified in Section 14-34-8 A.25.j. of this Article 14-34 or as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

Conference Engrossed

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2500

AN ACT

AMENDING SECTION 16-1019, ARIZONA REVISED STATUTES; RELATING TO POLITICAL SIGNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-1019, Arizona Revised Statutes, is amended to
3 read:

4 16-1019. Political signs; tampering; classification

5 A. It is a class 2 misdemeanor for any person to knowingly remove,
6 alter, deface or cover any political sign of any candidate for public office
7 for the period commencing forty-five days ~~prior to~~ BEFORE a primary election
8 and ending seven days after the general election.

9 B. ~~The provisions of This section shall~~ DOES not apply to the removal,
10 alteration, defacing or covering of a political sign by the candidate or the
11 authorized agent of the candidate in support of whose election the sign was
12 placed, ~~or~~ by the owner or authorized agent of the owner of private property
13 on which such signs are placed with or without permission of the owner, ~~or~~
14 placed in violation of state law, ~~or~~ county, city or town ordinance or
15 regulation.

16 C. NOTWITHSTANDING ANY OTHER STATUTE, ORDINANCE OR REGULATION, A CITY,
17 TOWN OR COUNTY OF THIS STATE SHALL NOT REMOVE, ALTER, DEFACE OR COVER ANY
18 POLITICAL SIGN IF THE FOLLOWING CONDITIONS ARE MET:

19 1. THE SIGN IS PLACED IN A PUBLIC RIGHT-OF-WAY THAT IS OWNED OR
20 CONTROLLED BY THAT JURISDICTION.

21 2. THE SIGN SUPPORTS OR OPPOSES A CANDIDATE FOR PUBLIC OFFICE OR IT
22 SUPPORTS OR OPPOSES A BALLOT MEASURE.

23 3. THE SIGN IS NOT PLACED IN A LOCATION THAT IS HAZARDOUS TO PUBLIC
24 SAFETY, OBSTRUCTS CLEAR VISION IN THE AREA OR INTERFERES WITH THE
25 REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (42 UNITED STATES CODE
26 SECTIONS 12101 THROUGH 12213 AND 47 UNITED STATES CODE SECTIONS 225 AND 611).

27 4. THE SIGN HAS A MAXIMUM AREA OF SIXTEEN SQUARE FEET, IF THE SIGN IS
28 LOCATED IN AN AREA ZONED FOR RESIDENTIAL USE, OR A MAXIMUM AREA OF THIRTY-TWO
29 SQUARE FEET IF THE SIGN IS LOCATED IN ANY OTHER AREA.

30 5. THE SIGN CONTAINS THE NAME AND TELEPHONE NUMBER OF THE CANDIDATE OR
31 CAMPAIGN COMMITTEE CONTACT PERSON.

32 D. IF THE CITY, TOWN OR COUNTY DEEMS THAT THE PLACEMENT OF A POLITICAL
33 SIGN CONSTITUTES AN EMERGENCY, THE JURISDICTION MAY IMMEDIATELY RELOCATE THE
34 SIGN. THE JURISDICTION SHALL NOTIFY THE CANDIDATE OR CAMPAIGN COMMITTEE THAT
35 PLACED THE SIGN WITHIN TWENTY-FOUR HOURS AFTER THE RELOCATION. IF A SIGN IS
36 PLACED IN VIOLATION OF SUBSECTION C AND THE PLACEMENT IS NOT DEEMED TO
37 CONSTITUTE AN EMERGENCY, THE CITY, TOWN OR COUNTY MAY NOTIFY THE CANDIDATE OR
38 CAMPAIGN COMMITTEE THAT PLACED THE SIGN OF THE VIOLATION. IF THE SIGN
39 REMAINS IN VIOLATION AT LEAST TWENTY-FOUR HOURS AFTER THE JURISDICTION
40 NOTIFIED THE CANDIDATE OR CAMPAIGN COMMITTEE, THE JURISDICTION MAY REMOVE THE
41 SIGN. THE JURISDICTION SHALL CONTACT THE CANDIDATE OR CAMPAIGN COMMITTEE
42 CONTACT AND SHALL RETAIN THE SIGN FOR AT LEAST TEN BUSINESS DAYS TO ALLOW THE
43 CANDIDATE OR CAMPAIGN COMMITTEE TO RETRIEVE THE SIGN WITHOUT PENALTY.

1 E. A CITY, TOWN OR COUNTY EMPLOYEE ACTING WITHIN THE SCOPE OF THE
2 EMPLOYEE'S EMPLOYMENT IS NOT LIABLE FOR AN INJURY CAUSED BY THE FAILURE TO
3 REMOVE A SIGN PURSUANT TO SUBSECTION D UNLESS THE EMPLOYEE INTENDED TO CAUSE
4 INJURY OR WAS GROSSLY NEGLIGENT.

5 F. SUBSECTION C DOES NOT APPLY TO COMMERCIAL TOURISM, COMMERCIAL
6 RESORT AND HOTEL SIGN FREE ZONES AS THOSE ZONES ARE DESIGNATED BY
7 MUNICIPALITIES. THE TOTAL AREA OF THOSE ZONES SHALL NOT BE LARGER THAN THREE
8 SQUARE MILES, AND EACH ZONE SHALL BE IDENTIFIED AS A SPECIFIC CONTIGUOUS AREA
9 WHERE, BY RESOLUTION OF THE MUNICIPAL GOVERNING BODY, THE MUNICIPALITY HAS
10 DETERMINED THAT BASED ON A PREDOMINANCE OF COMMERCIAL TOURISM, RESORT AND
11 HOTEL USES WITHIN THE ZONE THE PLACEMENT OF POLITICAL SIGNS WITHIN THE
12 RIGHTS-OF-WAY IN THE ZONE WILL DETRACT FROM THE SCENIC AND AESTHETIC APPEAL
13 OF THE AREA WITHIN THE ZONE AND DETER ITS APPEAL TO TOURISTS. NOT MORE THAN
14 TWO ZONES MAY BE IDENTIFIED WITHIN A MUNICIPALITY.

15 G. A CITY, TOWN OR COUNTY MAY PROHIBIT THE INSTALLATION OF A SIGN ON
16 ANY STRUCTURE OWNED BY THE JURISDICTION.

17 H. SUBSECTION C APPLIES ONLY DURING THE PERIOD COMMENCING SIXTY DAYS
18 BEFORE A PRIMARY ELECTION AND ENDING FIFTEEN DAYS AFTER THE GENERAL ELECTION,
19 EXCEPT THAT FOR A SIGN FOR A CANDIDATE IN A PRIMARY ELECTION WHO DOES NOT
20 ADVANCE TO THE GENERAL ELECTION, THE PERIOD ENDS FIFTEEN DAYS AFTER THE
21 PRIMARY ELECTION.

22 I. THIS SECTION DOES NOT APPLY TO STATE HIGHWAYS OR ROUTES, OR
23 OVERPASSES OVER THOSE STATE HIGHWAYS OR ROUTES.

Political Signs Zoning Text Amendment

| VARIABLE | EXISTING STANDARDS | A.R.S. 16-1019 | PROPOSED |
|-----------------------------------|---|--|--|
| GENERAL LOCATION | All Zoning Districts | Not Addressed | All Zoning Districts |
| LOCATION EXCEPTIONS | <p>A. Not permitted in public ROW</p> <p>B. Not permitted within 'Visibility' triangles</p> <p>C. Not permitted on City property or buildings</p> <p>D. Not permitted on utility pole or traffic device</p> <p>E. Allowed on private property with permission</p> | <p>A. Permitted in public ROW owned or controlled by City</p> <p>B. Location cannot be hazardous to safety (visibility, ADA)</p> <p>C. City may prohibit sign on any structure owned by City</p> <p>D. City may identify up to 2 'Sign-Free' Zones (≤3 Sq. Miles)</p> <p>E. Does not apply to State Highways, routes or overpasses</p> | <p>A. Permitted in public ROW with exceptions</p> <p>B. Not permitted within 'visibility' triangle, sidewalks, medians, traffic circles or if it interferes with ADA</p> <p>C. Not permitted on City-owned property, buildings or structures</p> <p>D. Sports Complex ROW Sign-Free Zone</p> <p>E. Allowed on private property with permission</p> |
| SIGN AREA | <p>A. 32 square feet maximum for private property</p> <p>B. Not permitted in public ROW</p> | <p>A. May not be removed (ROW) if < or = 16 SF in residential zones</p> <p>B. May not be removed (ROW) if < or = 32 SF in non-residential zones</p> | <p>A. Retain 32 SF maximum on private property</p> <p>B. Maximum of 32 SF for signs in ROW except as modified by (C)</p> <p>C. Maximum 16 SF on Local or Rural designated roadways in residential zones</p> |
| SIGN HEIGHT | 8 foot max height | Not Addressed | No Change (retain 8 ft max height) |
| SIGN CONTENT | Not Addressed | Must contain contact name/number | Must contain contact name/number |
| PERMIT REQUIRED | No | Not Addressed | No Change (No Permit Required) |
| SIGN PLACEMENT BEFORE VOTE | Period not addressed | City may not remove (from ROW) prior to 60 days of election day | Installed no sooner than 90 days prior to election day |
| SIGN REMOVAL AFTER VOTE | <p>A. Within 10 days following vote referenced</p> <p>B. Successful primary signs may remain</p> | <p>A. City may not remove (ROW) within 15 days after Primary Election (for those not advancing)</p> <p>B. City may not remove (ROW) within 15 days after General Election (for those not advancing)</p> | <p>A. Within 15 days after Primary Election date (for those not advancing)</p> <p>B. Within 15 days after General Election date.</p> |